

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HUI HUI YU, CHENG KAI YU, and
CHENG KAI YU REVOCABLE TRUST,

Plaintiffs,

ORDER

-against-

CV 10-2943 (JS)(ETB)

TOWN OF SOUTHDOWN IN SUFFOLK COUNTY
NEW YORK, SCOTT A. RUSSELL (Chief Executive),
SOUTHDOWN TOWN JUSTICE COURT, WILLIAM H.
PRICE, Jr. (Chief Justice), RUDOLPH H. BRUER (Justice),
the OFFICE OF THE TOWN ATTORNEY, MARTIN
FINNEGAN, Esq. (Town Attorney), LORI HULSE
[MONTEFUSCO], Esq. (Assistant Town Attorney), the
SOUTHDOWN TOWN BOARD OF TRUSTEES, JILL M.
DOHERTY (President, Trustee), JAMES KING (President,
Trustee), the SOUTHDOWN TOWN POLICE DEPARTMENT,
CARLISLE COCHRAN (Chief), FRANK KRUSZESKI
(Lieutenant), DONALD DZENKOWSKI (Bay Constable),
ANDREW C. EPPLE, Jr. (Bay Constable), DAVID M. OKULA
(Police), SOUTHDOWN TOWN ZONING BOARD, SOUTHDOWN
TOWN TAX RECEIVER and ASSESSORS, JOHN DOES and
JANE DOES, individually and in their official capacities,

Defendants.

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The plaintiff's application dated November 6, 2012 to be relieved as counsel is denied as moot since the sole remaining issue in this action is an excessive force claim in which the plaintiff, reportedly a licensed attorney in New York, is the sole claimant. Thus, in the absence of new counsel, plaintiff must represent herself.

The plaintiff is directed to file a list of trial witnesses and trial exhibits on or before November 30, 2012. The Court notes that the defendant filed a pre-trial order, pursuant to Judge Seybert's rules, on October 18, 2012, when these final pre-trial documents were due.

The plaintiff's failure to comply with this Order will expose the plaintiff's sole

remaining cause of action to sanctions, including preclusion and dismissal. The fact that plaintiff has not retained counsel to represent her on this sole remaining cause of action will not be considered as justification for non-compliance. This action has been pending over twenty-eight (28) months. On numerous occasions, the plaintiff was advised by the undersigned that she should retain counsel. She declined to do so, although she has had more than an adequate opportunity. For this reason, her last-minute request to delay the filing of a list of trial witnesses and trial exhibits is again denied. The plaintiff, of course, is free to retain counsel at any time.

The final conference previously scheduled for November 13, 2012 is rescheduled to December 6, 2012 at 10:00 a.m, by telephone. Defendant's counsel is directed to initiate the conference call and have all parties on the line before connecting the court (631-712-5710). The call must be placed through the teleconference operator provided by your long-distance service.

No request for adjournment will be considered unless made at least forty-eight (48) hours before the scheduled conference. All requests should be in writing, on consent of all parties, and contain at least two (2) adjourned dates on which all parties are available. In the absence of consent, an explanation of counsel's efforts to obtain agreement should be stated. All requests for adjournments should be sent to chambers via ECF on notice to all parties.

SO ORDERED:

Dated: Central Islip, New York
November 9, 2012

/s/ E. Thomas Boyle
E. THOMAS BOYLE
United States Magistrate Judge